

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

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ACUITY, A MUTUAL INSURANCE	:	
COMPANY,	:	
Plaintiff,	:	
	:	
v.	:	No. 5:20-cv-03888
	:	
POOLS BY SNYDER, LLC, JEFFREY	:	
SNYDER, and ANTHONY LABBADIA,	:	
Defendants.	:	

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**ORDER**

**AND NOW**, this 12<sup>th</sup> day of May, 2021, upon consideration of Plaintiff's Motion for Entry of Default Judgment against Defendants, ECF No. 17, and for the reasons set forth in the Court's Opinion issued this date, **IT IS ORDERED THAT:**

Plaintiff's motion, ECF No. 17, is **GRANTED in part and DENIED in part as follows:**

1. Plaintiff's motion for entry of default judgment against Defendant Jeffrey Snyder is **DENIED without prejudice.**

a. Plaintiff shall file a new motion for default judgment as against Jeffrey Snyder **within ten (10) days of the date of this Order.**

b. If Plaintiff fails to move for entry of a default judgment against Jeffrey Snyder pursuant to Federal Rule of Civil Procedure 55(b) within ten (10) days of the date of this Order, the Court may enter an Order dismissing the Complaint for lack of prosecution.

2. Plaintiff's motion for entry of default judgment against Defendant Anthony Labbadia is **DENIED**.

a. **Within ten (10) days of the date of this Order**, Plaintiff **SHALL** either **notice voluntary dismissal** of Defendant Anthony Labbadia, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), **or show cause** why this Court should not dismiss Defendant Anthony Labbadia as an improperly named Defendant.

3. Plaintiff's motion for entry of default judgment against Defendant Pools by Snyder, LLC is **GRANTED**.

a. Declaratory Judgment is **ENTERED** in favor of Plaintiff against Defendant Pools by Snyder, LLC, only: Plaintiff does not have a duty to defend or indemnify Pools by Snyder, LLC in the underlying state court action *Labbadia v. Pools by Snyder LLC*, No. C-48-CV-2020-1707 (Northampton Cty. Ct. Com. Pl.).

4. The Clerk of Court is directed to **TERMINATE** Defendant Pools by Snyder, LLC, only.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.

JOSEPH F. LEESON, JR.

United States District Judge